

# **EXHIBIT J**

# N.Y. Attorney General probes video of Delrawn Small being shot by off-duty cop within seconds of approaching officer's car

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Delrawn Small, 37, was shot and killed by an off-duty police officer on Atlantic Ave. on Monday.

State Attorney General Eric Schneiderman's office is reviewing a damning video that shows a 37-year-old man getting fatally shot by an off-duty cop within seconds of approaching the officer's car — contradicting earlier accounts that the cop was defending himself, officials said.

The surveillance video, which the attorney general's office acquired earlier this week, shows Delrawn Small approaching Police Officer Wayne Isaacs' 2002 Nissan Altima on Atlantic Ave. and Bradford St. in East New York, Brooklyn. The confrontation happened just after midnight July 4.

Small buckled over and grabbed at a passing car within seconds of approaching Issacs' driver side window. He stumbled off and falls to the ground in between two parked cars.

Moments later, Isaacs, also 37, got out of his car. He tucked what appeared to be a gun under his shirt as he looked at Small's body, according to the video.

Small's outraged relatives said Friday night the footage was proof that the killing was not justified.

"The video is as clear as day. That everything they told us from the very beginning was a lie. Was a lie," Small's brother Victor Dempsey said. "Every single thing. And I don't know how to feel now. All I know is my brother was murdered. Point blank period murdered."

The victim's sister, Victoria Davis, said she choked back tears watching Small stagger and fall to the ground.

Police stand by a bloodied vehicle and the covered body of Small at the scene on Atlantic Ave. and Bradford St. in East New York. (Vic Nicastro for New York Daily News)

"To just watch him stumble from car to car, knowing that he suffered, knowing that he was afraid, that was hard," she said. "That's not a video that I would ever want to see again."

The fatal shooting took place in front of Small's girlfriend and three kids.

Isaacs, a three-year veteran of the NYPD, was returning home from a 4 p.m.-midnight shift when he allegedly cut off Small's 2016 Kia, witnesses told police. When the vehicles reached a stoplight, Small exited his car, approached Isaacs' vehicle, and was shot.

Isaacs told investigators that Small had punched him at least two times before he opened fire.

He remains on active duty as Schneiderman's office investigates. The NYPD is also conducting a departmental review.

Small's neighbors were "ecstatic" the video surfaced.

Mourners grieve at a candlelight vigil this past Wednesday near the location where Small was killed. (Ken Murray/NEW YORK DAILY NEWS)

"They tried to paint him out to be some gorilla — like, he jumped out the car to go attack this person not knowing that he was a cop," said Octavius Sullivan, 36, who has known Small since they were boys.

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Attorney Roger Wareham, who is representing Small's family, said the video was proof Isaacs lied and should be arrested immediately.

"If the cop's story is obviously false, why haven't they arrested him?" he asked.

Gwen Carr, mother of Eric Garner, the Staten Island man who died after being placed in a chokehold by an undercover detective in 2014, said Friday the video sickened her.

"This video so upsets me. It's horrible. They lie all the time," said Carr, as she joined a Black Lives Matter protest in Harlem.

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